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09-09-08

AF/Def

PATENT APPLICATION

ATTORNEY DOCKET NO. 200300480-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gargi

Confirmation No.: 5961

Application No.: 10/803,252

Examiner: Hung Q. Dang

Filing Date: 3/17/04

Group Art Unit: 2621

Title: VARIABLE SPEED VIDEO PLAYBACK

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 7/9/08.

☒ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).

☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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Respectfully submitted,

Gargi

By

Roxana H. Yang

Attorney/Agent for Applicant(s)

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Date : 9/8/08

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U.S. Pat. App. No. 10/803,252

Express Mail Label No. EV 915099862 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GARGI

Serial No. 10/803,252

Filed: March 17, 2004

For: *VARIABLE SPEED VIDEO*
PLAYBACK

Group Art Unit: 2621

Examiner: Hung Dang

Attorney Docket No. 200300480-1

Date: September 8, 2008

APPEAL BRIEF

Commissioner for Patents

P.O. BOX 1450

Alexandria, VA 22313-1450

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I. REAL PARTY IN INTEREST

The real party of interest is the Hewlett-Packard Company.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1-45 are rejected and on appeal.

IV. STATUS OF AMENDMENTS

There are no amendments filed subsequent to the final rejection mailed on April 9, 2008.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A. Independent Claim 1

A method for variable speed video playback comprises the steps of obtaining a set of scores for a plurality of discrete segments in a digital video, enabling a playback of the digital video at a variable playback speed that may change from segment to segment based on the set of scores, receiving a user input to adjust the playback speed for at least one of the segments by modifying at least one of the set of scores, and adjusting the variable playback speed based on the user input, including reversing the variable playback speed based on the user input.

The entire claim 1 with references to exemplary portions of the Specification and reference numbers in the exemplary figures are provided below.

A method (**Specification, page 7, lines 10-20; Figure 2**) for variable speed video playback, comprising:

- obtaining a set of scores for a plurality of discrete segments in a digital video (**Specification, page 7, lines 12-13; Reference 210 in Figure 2; Specification, page 9, line 16 – page 10, line 27; Figure 4**);
- enabling a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores (**Specification, page 7, lines 14-15; Reference 220 in Figure 2; Specification, page 11, line 1 – page 12, line 4; Figure 5**);
- receiving a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores (**Specification, page 7, lines 16-17 and page 7, line 24 – page 8, line 28; Reference 230 in Figure 2; Specification, page 6, line 25 – page 7, line 5; References 120 & 130 in Figure 1**); and
- adjusting said variable playback speed based on said user input, said adjusting including reversing said variable playback speed based on said user input

(Specification, page 7, lines 18-20; Reference 240 in Figure 2; Specification, page 12, line 9 – page 13, line 22; Figure 6; Specification, page 13, lines 26-30).

B. Independent Claim 16

A system for variable speed video playback comprises a video playback module and a user interface module configured to provide user input to the video playback module. The video playback module is configured to receive a set of scores for a plurality of discrete segments in a digital video, enable a playback of the digital video at a variable playback speed that may change from segment to segment based on the set of scores, receive a user input to adjust the playback speed for at least one of the segments by modifying at least one of the set of scores, and adjust the variable playback speed based on the user input, including reversing the variable playback speed based on the user input.

The entire claim 16 with references to exemplary portions of the Specification and reference numbers in the exemplary figures are provided below.

A system (Specification, page 3, lines 29-30; References 120 and 130 in Figure 1) for variable speed video playback, comprising:

a video playback module (Specification, page 6, line 8 – page 7, line 5; References 120 in Figure 1) configured to:

receive a set of scores for a plurality of discrete segments in a digital video (Specification, page 7, lines 12-13; Reference 210 in Figure 2; Specification, page 9, line 16 – page 10, line 27; Figure 4);
enable a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores (Specification, page 7, lines 14-15; Reference 220 in Figure 2; Specification, page 11, line 1 – page 12, line 4; Figure 5);

receive a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores (**Specification, page 7, lines 16-17 and page 7, line 24 – page 8, line 28; Reference 230 in Figure 2; Specification, page 6, line 25 – page 7, line 5; References 120 & 130 in Figure 1**); and

adjust said variable playback speed based on said user input, said adjust including reversing said variable playback speed based on said user input (**Specification, page 7, lines 18-20; Reference 240 in Figure 2; Specification, page 12, line 9 – page 13, line 22; Figure 6; Specification, page 13, lines 26-30**); and

a user interface module (**Specification, page 7, line 24 – page 9, line 11; References 130 in Figure 1**) configured to provide said user input to said video playback module.

C. Independent Claim 31

A system for variable speed video playback comprises means for obtaining a set of scores for a plurality of discrete segments in a digital video, means for enabling a playback of the digital video at a variable playback speed that may change from segment to segment based on the set of scores, means for receiving a user input to adjust the playback speed for at least one of the segments by modifying at least one of the set of scores, and means for adjusting the variable playback speed based on the user input, the adjusting including reversing the variable playback speed based on the user input.

The entire claim 31 with references to exemplary portions of the Specification and reference numbers in the exemplary figures are provided below.

A system (**Specification, page 3, lines 29-30; References 120 and 130 in Figure 1**) for variable speed video playback, comprising:

- means for obtaining a set of scores for a plurality of discrete segments in a digital video (**Specification, page 7, lines 12-13; Reference 210 in Figure 2; Specification, page 9, line 16 – page 10, line 27; Figure 4**);
- means for enabling a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores (**Specification, page 7, lines 14-15; Reference 220 in Figure 2; Specification, page 11, line 1 – page 12, line 4; Figure 5**);
- means for receiving a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores (**Specification, page 7, lines 16-17 and page 7, line 24 – page 8, line 28; Reference 230 in Figure 2; Specification, page 6, line 25 – page 7, line 5; References 120 & 130 in Figure 1**); and
- means for adjusting said variable playback speed based on said user input, said adjusting including reversing said variable playback speed based on said user input (**Specification, page 7, lines 18-20; Reference 240 in Figure 2; Specification, page 12, line 9 – page 13, line 22; Figure 6; Specification, page 13, lines 26-30**).

D. Independent Claim 33

A computer-readable medium for providing variable speed video playback comprises logic instructions that, when executed, obtain a set of scores for a plurality of discrete segments in a digital video, enable a playback of the digital video at a variable playback speed that may change from segment to segment based on the set of scores, receive a user input to adjust the playback speed for at least one of the segments by modifying at least one of the set of scores, and adjust the variable playback speed based on the user input, including reversing the variable playback speed based on the user input.

The entire claim 33 with references to exemplary portions of the Specification and reference numbers in the exemplary figures are provided below.

A computer-readable medium (**Specification, page 14, lines 15-22; Reference 100 in Figure 1**) for providing variable speed video playback comprising logic instructions that when executed:

- obtain a set of scores for a plurality of discrete segments in a digital video (**Specification, page 7, lines 12-13; Reference 210 in Figure 2; Specification, page 9, line 16 – page 10, line 27; Figure 4**);
- enable a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores (**Specification, page 7, lines 14-15; Reference 220 in Figure 2; Specification, page 11, line 1 – page 12, line 4; Figure 5**);
- receive a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores (**Specification, page 7, lines 16-17 and page 7, line 24 – page 8, line 28; Reference 230 in Figure 2; Specification, page 6, line 25 – page 7, line 5; References 120 & 130 in Figure 1**); and
- adjust said variable playback speed based on said user input, said adjust including reversing said variable playback speed based on said user input (**Specification, page 7, lines 18-20; Reference 240 in Figure 2; Specification, page 12, line 9 – page 13, line 22; Figure 6; Specification, page 13, lines 26-30**).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1-5, 7-18, 20-35, and 37-45 are unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 7,152,209, to Jojic et al. ("JOJIC") in view of U.S. Patent No. 6,907,570, to Amir et al. ("AMIR")?

VII. ARGUMENTS

A. Claims 1-5, 7-18, 20-35, and 37-45 Are Not Unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 7,152,209, to Jojic et al. (“JOJIC”) in view of U.S. Patent No. 6,907,570, to Amir et al. (“AMIR”)

Claims 1-5, 7-18, 20-35, and 37-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,152,209, to Jojic et al. (“JOJIC”) in view of U.S. Patent No. 6,907,570, to Amir et al. (“AMIR”).

In order to substantiate a prima facie case of obviousness, the initial burden rests with the Examiner who must show that the combination of the cited references discloses every element of the rejected claim.

Based on the arguments below, Applicant respectfully submits that the 103 rejections were improper. The cited references have failed to disclose at least one element of the pending claim.

1. Claim 1

Claim 1 recites a method for variable speed video playback, comprising:

- obtaining a set of scores for a plurality of discrete segments in a digital video;
- enabling a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores;
- receiving a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores; and
- adjusting said variable playback speed based on said user input, said adjusting including reversing said variable playback speed based on said user input.

Specifically, claim 1 recites the limitation of reversing the variable play back speed (which is determined based on a set of scores) based on the user input. This amended limitation has support on at least the last paragraph of page 13 of the Specification.

In the final office action mailed on April 9, 2008 (“Final Office Action”), the Examiner acknowledged that “JOJIC [does] not disclose adjusting including reversing said variable playback speed.” The Examiner relied on AMIR for allegedly disclosing this element. Specifically, the Examiner cited col. 6, line 66 – col. 7, line 4 in AMIR.

The cited portion in AMIR discloses “a reverse playback (e.g., fast reverse) using the Apple QUICKTIME PLAYER” and a patent entitled “Reverse playback of MPEG video.” The Examiner argued that one of ordinary skill in the art would add the reverse playback feature disclosed in AMIR and that “if [a] user wants to view backward, he or she doesn’t have to start over from the beginning but instead it can be conducted at the current point.” See page 3 of Final Office Action.

Applicant respectfully submits that the Examiner has completely misunderstood the meaning of the element “adjusting including reversing said variable playback speed based on said user input” recited in claim 1.

Claim 1 recites a method for variable speed video playback that, for example, allows a user to view portions of a video that are more interesting at a slower pace and portions of a video that are less interesting at a faster pace. This is achieved by assigning scores to a plurality of discrete segments of a digital video based on a video analysis. In general, a more interesting portion of a video would typically be assigned a higher score than a less interesting portion of the video. The last element of claim 1 recites enabling a user to reverse the variable playback speed which means, for example, a user can choose to view portions of a video that are more interesting at a faster pace and portions of a video that are less interesting at a slower pace. This element is not claiming reverse

playback in the conventional meaning of playing a video backwards. See Specification, page 13, lines 26-30.

Based on the foregoing, Applicant respectfully submits that the Examiner has failed to substantiate a prima facie case of obviousness by showing that the combination of the cited references discloses every element of the rejected claim. Thus, Applicant requests the Examiner to withdraw the 103 rejections.

2. Claims 2-15

Claims 2-15 are dependent on claim 1. Based on the foregoing arguments regarding claim 1, Applicant also requests the Examiner to withdraw the 103 rejections regarding these dependent claims.

3. Independent Claims 16, 31, and 33

Independent claims 16, 31, and 33 include similar limitations as discussed above regarding claim 1. Thus, based on the foregoing arguments regarding claim 1, Applicant also requests the Examiner to withdraw the 103 rejections regarding these independent claims.

4. Claims 17-30, 32, and 34-45

Claims 17-30, 32, and 34-45 are dependent on claims 16, 31, and 33, respectively. Based on the foregoing regarding claims 16, 31, and 33, Applicant also requests the Examiner to withdraw the 103 rejections regarding these dependent claims.

VIII. CLAIMS APPENDIX

1. A method for variable speed video playback, comprising:
 - obtaining a set of scores for a plurality of discrete segments in a digital video;
 - enabling a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores;
 - receiving a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores; and
 - adjusting said variable playback speed based on said user input, said adjusting including reversing said variable playback speed based on said user input.
2. The method of claim 1, wherein said scores were computed based on one or more video analysis techniques applied to said segments.
3. The method of claim 2, wherein different ones of said video analysis techniques are given different weights in computing said set of scores.
4. The method of claim 3, wherein said weight for said video analysis technique is given prior to performing said video analysis technique.
5. The method of claim 3, wherein said weight for said video analysis technique is given after performing said video analysis technique.
6. The method of claim 3, wherein said adjusting includes reducing the weight of a video analysis technique if that technique fails to substantially differentiate among said segments.
7. The method of claim 3, wherein said adjusting includes increasing the weight of a video analysis technique if that technique substantially differentiates among said segments.

8. The method of claim 3, wherein said user input includes an instruction to modify said weight given to at least one of said video analysis techniques.
9. The method of claim 1, wherein said enabling includes playing a discrete segment of said digital video at a slower speed when said discrete segment has a high score relative to scores for other discrete segments of said digital video.
10. The method of claim 1, wherein said enabling includes playing a discrete segment of said digital video at a faster speed when said discrete segment has a low score relative to scores for other discrete segments of said digital video.
11. The method of claim 1, wherein said user input includes an instruction to dampen an effect of said set of scores on said variable playback speed.
12. The method of claim 1, wherein said user input includes an instruction to amplify an effect of said set of scores on said variable playback speed.
13. The method of claim 1, wherein said adjusting includes recalculating said variable playback speed based on said input.
14. The method of claim 1, wherein said user input includes setting a maximum playback speed.
15. The method of claim 1, wherein said user input includes setting an average playback speed.
16. A system for variable speed video playback, comprising:
a video playback module configured to:
receive a set of scores for a plurality of discrete segments in a digital video;

enable a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores; receive a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores; and adjust said variable playback speed based on said user input, said adjust including reversing said variable playback speed based on said user input; and

a user interface module configured to provide said user input to said video playback module.

17. The system of claim 16, wherein said scores were computed based on one or more video analysis techniques applied to said segments.

18. The system of claim 17, wherein different ones of said video analysis techniques are given different weights in computing said set of scores.

19. The system of claim 18, wherein said adjust includes reducing the weight of a video analysis technique if that technique fails to substantially differentiate among said segments.

20. The system of claim 18, wherein said adjust includes increasing the weight of a video analysis technique if that technique substantially differentiates among said segments.

21. The system of claim 18, wherein said user input includes an instruction to modify said weight given to at least one of said video analysis techniques.

22. The system of claim 16, wherein said enabling of playback includes playing a discrete segment of said digital video at a slower speed when said discrete segment has a high score relative to scores for other discrete segments of said digital video.

23. The system of claim 16, wherein said enabling of playback includes playing a discrete segment of said digital video at a faster speed when said discrete segment has a low score relative to scores for other discrete segments of said digital video.
24. The system of claim 16, wherein said user input includes an instruction to dampen an effect of said set of scores on said variable playback speed.
25. The system of claim 16, wherein said user input includes an instruction to amplify an effect of said set of scores on said variable playback speed.
26. The system of claim 16, wherein said user input includes setting a maximum playback speed.
27. The system of claim 16, wherein said user input includes setting an average playback speed.
28. The system of claim 16, wherein said adjustment of said variable playback speed includes recalculating said variable playback speed based on said input.
29. The system of claim 16, further comprising an output device configured to display past and future discrete segments in one or more sliding windows.
30. The system of claim 16, further comprising an output device configured to enable a user selection of one or more past and future discrete segments.
31. A system for variable speed video playback, comprising:
- means for obtaining a set of scores for a plurality of discrete segments in a digital video;
 - means for enabling a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores;

- means for receiving a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores; and
- means for adjusting said variable playback speed based on said user input, said adjusting including reversing said variable playback speed based on said user input.

32. The system of claim 31, further comprising means for enabling a user selection of one or more past and future discrete segments.

33. A computer-readable medium for providing variable speed video playback comprising logic instructions that when executed:

- obtain a set of scores for a plurality of discrete segments in a digital video;
- enable a playback of said digital video at a variable playback speed that may change from segment to segment based on said set of scores;
- receive a user input to adjust said playback speed for at least one of said segments by modifying at least one of said set of scores; and
- adjust said variable playback speed based on said user input, said adjust including reversing said variable playback speed based on said user input.

34. The computer-readable medium of claim 33, wherein said scores were computed based on one or more video analysis techniques applied to said segments.

35. The computer-readable medium of claim 33, wherein different ones of said one or more video analysis techniques are given different weights in computing said set of scores.

36. The computer-readable medium of claim 35, wherein said logic instructions to adjust include logic instructions to reduce the weight of a video analysis technique if that technique fails to substantially differentiate among said segments.

37. The computer-readable medium of claim 35, wherein said logic instructions to adjust include logic instructions to increase the weight of a video analysis technique if that technique substantially differentiates among said segments.
38. The computer-readable medium of claim 35, wherein said user input includes an instruction to modify said weight given to at least one of said video analysis techniques.
39. The computer-readable medium of claim 33, wherein said logic instructions to enable include logic instructions that when executed play a discrete segment of said digital video at a slower speed when said discrete segment has a high score relative to scores for other discrete segments of said digital video.
40. The computer-readable medium of claim 33, wherein said logic instructions to enable include logic instructions that when executed play a discrete segment of said digital video at a faster speed when said discrete segment has a low score relative to scores for other discrete segments of said digital video.
41. The computer-readable medium of claim 33, wherein said user input includes an instruction to dampen an effect of said set of scores on said variable playback speed.
42. The computer-readable medium of claim 33, wherein said user input includes an instruction to amplify an effect of said set of scores on said variable playback speed.
43. The computer-readable medium of claim 33, wherein said user input includes setting a maximum playback speed.
44. The computer-readable medium of claim 33, wherein said user input includes setting an average playback speed.

45. The computer-readable medium of claim 33, wherein said logic instructions to adjust include logic instructions that when executed recalculate said variable playback speed based on said input.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.

Respectfully submitted,



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